

The Testimony of  
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Mr. Chairman and members of the Subcommittee, thank you very much for recognizing the important role of media in the lives of children and for inviting me to present my views on the violent and explicit video games: informing parents and protecting children. As a parent, consumer, educator, and active academic researcher on media content and video games specifically, I welcome the opportunity to comment on:

1. the observations that we have made about content and ratings of video games in the context of our peer-reviewed studies
2. questions that I believe are important for the video game rating board to address related to its process for rating games

Over the past several years, my research group at the Harvard School of Public Health has conducted several studies that quantitatively evaluated the actual content of video games. This work includes studies on violence in E-rated, T-rated video games, and M-rated video games. Each of these studies yielded significant insights including:

1. We found that 35 of the 55 (64%) E-rated (for "Everyone") video games studied contained violence (<http://www.kidsrisk.harvard.edu/faqs3.htm>), with injuring characters rewarded or required for advancement in 33 games (60%).
2. We observed content that could warrant an ESRB content descriptor in 39 out of 81 games (48%) T-rated (for "Teen") video games for which the ESRB had not assigned a content descriptor, and we did not observe the content indicated by an ESRB content descriptor within one hour of game play for seven games. These games may be a source of exposure to a wide range of unexpected content (<http://www.kidsrisk.harvard.edu/faqs4.htm>).
3. In the random sample of 81 T-rated video games we played:  
79 games (98%) involved intentional violence, representing 36% of game play time,  
73 games (90%) rewarded or required the player to injure characters,  
56 games (69%) rewarded or required the player to kill, and  
we observed 5,689 human deaths for these 81 games, occurring at an average rate of 61 human deaths per hour of game play time (<http://www.kidsrisk.harvard.edu/faqs5.htm>).
4. In a random sample of M-rated video games we played, we observed content that could warrant an ESRB content descriptor in 81% of these for which the ESRB had not assigned a content descriptor (<http://www.kidsrisk.harvard.edu/faqs8.html>).

We consistently find that the games contain a significant amount of violence and explicit content that may be of concern to parents, which is inconsistently labeled by the rating board. I would be happy to show the members of the Subcommittee examples of some of the unlabeled content that we have observed.

Given this research, we believe that several improvements in the rating system are needed, and that Congress should ensure that the industry has incentives to improve its ratings:

1. The ESRB should play each and every game prior to assigning its age-based ratings and content descriptors. We have said since our 2001 study on E-rated video games that we thought the ESRB should make playing the games part of the rating process. We specifically said in one of our 2004 studies on T-rated games that “Our results also suggest that the ESRB should play the video games as part of its rating process to provide a means to ensure the absence of content other than that indicated in the materials submitted to the ESRB by the game manufacturers. However, we emphasize that game manufacturers should continue to provide all of the information that they currently provide to the ESRB because the raters should not have to play the entire game prior to assigning a rating; anyone playing the games could miss specific content.” Thus, to be completely clear, we suggest that the ESRB should play the finished game before assigning its ratings, in addition to its current process of collecting information from publishers. We have not stipulated the length of game play time, nor have we said that the raters themselves must play the game. We remain concerned, however, that the inability of the ESRB to play the finished games prior to assigning its ratings means that the ESRB cannot independently evaluate the content of games, which in turn may undermine consumer confidence in the ratings. We are not able to determine whether the mismatch between our observations and the ESRB content descriptors results from failure of the publishers to disclose content to the ESRB, the ESRB’s decisions not to provide content descriptors that we would expect based on its definitions and what we observe in other games that received the same ESRB content descriptors, or if the game content changes between the assignment of the ratings and packaging of the final product. Thus, we believe that the ESRB should play the finished games before it assigns its ratings. We believe that the ESRB’s recent decision to change its rating of *Elder Scrolls IV: Oblivion* from Teen to Mature clearly demonstrates that playing the game makes a difference. What is unfortunate in this case is that the ESRB found the more detailed depictions of blood and gore in the Xbox 360 version after assigning its ratings and content descriptors and after the game has already been sold extensively with the Teen rating. It should be noted, however, that the Teen-rated version of the game also received a content descriptor for “Blood and Gore,” which raises legitimate questions about where the ESRB draws the line between Teen-rated video games and Mature-rated video games. In our quantitative studies of T-rated and M-rated games, we have observed significantly more blood depicted in M-rated games, but similar amounts of violence.

2. The ESRB should make its rating process and the terms that it uses in its ratings more transparent. Our studies point to the need for clear, consistent, and well-communicated criteria for assigning age-based ratings and content descriptors. Our studies rely on playing the actual games, coding all of the content using definitions that we publish in our papers, and comparing the observed content to what we observe in other games and based on the ESRB’s published information. We believe that more clarity and transparency would also be helpful to the industry. For example, in response to its decision to change the rating of *Elder Scrolls IV: Oblivion*, our impression based on Bethesda Softworks’ response is that they felt that they had properly disclosed the content to the ESRB (see their press release at: [http://www.bethsoft.com/news/pressrelease\\_050306.htm](http://www.bethsoft.com/news/pressrelease_050306.htm)). The bottom line here is that

consumers need to know what the ratings do and do not tell them. We don't allow ambiguity in the ingredients on foods, why should we be so tolerant of low quality in the ratings on media products? Our studies consistently find content that is labeled in some games and not in others. Some of this lack of consistency clearly derives from lack of transparency in the process and definitions.

The ESRB also stated in its press release responding to our recent study on M-rated games that it has "repeatedly informed" us about flaws in your methodology. For the record, I would like to emphasize that the ESRB has never provided any scientific basis for its allegations about flaws in our methods and we were very surprised to see the ESRB make such statements. We asked the ESRB to provide evidence for this assertion and we believe that their assertion of "flaws" in our methods is a very serious scientific allegation. We have met with the ESRB on several occasions to discuss our research and the ESRB has not provided us with any scientific evidence of flaws in our research. The ESRB has also failed to provide us with any information about their specific criteria for applying ratings beyond what is available on the ESRB website; if the ESRB provided us with this information, we could use it as a basis for comparison to our methods. We believe that members of Congress, parents, and the media should ask the ESRB to make public its specific criteria for assigning ratings and content descriptors. The ESRB requires game manufacturers to provide examples of the most extreme content, but do they do so? Should parents expect the content descriptors to provide information about all of the types of content in the games, or have the content descriptors now become more like the MPAA's rating reasons indicating only some of the content? With the information to parents very unclear on this, and parents and kids easily able to observe omissions as they experience actual game play, the ESRB should in my opinion focus more on ensuring the quality of its information and worry less about its advertising.

3. The ESRB needs to decide whether it believes that ratings can be "accurate" or not and make clear what it means. I believe that the ESRB has the right mission, which according to its website is: "To provide consumers, especially parents, with accurate and objective information about the age suitability and content of computer and video games so they can make informed purchase decisions" (<http://www.esrb.org/about/index.jsp>). I believe that accurate and objective information is essential, and I am concerned with inconsistencies in the ESRB ratings and in what the ESRB says about its ratings system. For example, on page 2 of its recent comments to the FTC, the ESRB wrote that: "The ESRB regularly commissions Peter D. Hart Research Associates to conduct surveys on awareness, use and validity – not the accuracy – of the ratings" (<http://www.ftc.gov/os/comments/entertainmentstudy/051123esrb.pdf>). This is in stark contrast to the ESRB's November 22, 2004 press release about this same commissioned survey that was titled: "New Study Shows Parents Overwhelmingly Agree with Video Game Ratings – ESRB Ratings Found to be 'Highly Accurate.'" ([http://www.esrb.org/about/news/downloads/validity\\_study\\_11\\_22\\_04.pdf](http://www.esrb.org/about/news/downloads/validity_study_11_22_04.pdf)).

4. The ESRB needs to distinguish real peer-reviewed scientific studies from non-publicly available market research that it commissions. With respect to the ESRB-commissioned Peter Hart market surveys, we emphasize that these surveys are not peer-reviewed, published, or publicly available. In this regard, they are not scientific studies that can be compared with our research. We are not able to review the methods used, questions asked, or analyses performed,

but we believe that these surveys do not ask parents about the ESRB's assignment of content descriptors and they do not show parents the same information that is provided to the ESRB raters. Note that the March 30, 2006 Federal Register (footnote 16 on page 16156) states that: "The ESRB's validity studies involve the display of one to two minute clips of video game play to parents of children who play video games. The brevity of these clips may limit the use of the results because games typically take many hours to complete. Moreover, it is unknown whether the content selected for these brief video clips fully represents the range and frequency of content that caused the ESRB (whose raters rely on more extensive footage of game play as well as the publisher's responses to a detailed questionnaire) to assign the game a particular rating." (<http://www.ftc.gov/os/2006/03/060330frnsurveyvideoesrb.pdf>)

Given the important role of the media ratings as the current strategy in our self-regulatory system – a system that gives us all the freedoms to create and to choose media and that reflects values deeply held by all Americans – I believe that Congress must hold the industry accountable for the quality of the information that it provides to consumers and ensure that the system works and protects children. Freedom depends on responsibility.

In my view, many of the current problems with the existing systems derive from a lack of a scientific and research-based foundation for providing ratings information. A rigorous system of ratings must begin with some standard definitions that can be used to classify content and to clearly and consistently inform parents. While these definitions and classifying content includes subjectivity, that's no excuse for not trying to be as objective as possible. Our studies have demonstrated that using consistent definitions can work and provide comparative information, and I believe that it's time for the industry to start to perform its own content analyses and accurately report the ingredients of its products to consumers. I believe that the industry can better label its products and in doing so help parents make better choices, and that this is required as media continue to push the boundaries and consume more time in the lives of our children. Thank you very much again for the opportunity to testify today.

#### References:

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